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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/153,994	09/17/1998	NANCEY J. HAMMOND	660082.527M	6324
27076	7590	12/23/2003	EXAMINER	
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 3400 1420 FIFTH AVENUE SEATTLE, WA 98101			BULLOCK JR, LEWIS ALEXANDER	
		ART UNIT		PAPER NUMBER
		2126		20

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/153,994	HAMMOND, NANCY J.
	<b>Examiner</b>	<b>Art Unit</b>
	Lewis A. Bullock, Jr.	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 October 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 and 14-38 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-5,28-31 and 36-38 is/are allowed.
- 6) Claim(s) 6,9-11,14-18,21-24,32 and 34 is/are rejected.
- 7) Claim(s) 7,8,12,19,20,25-27,33 and 35 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

### **DETAILED ACTION**

It is noted that during a telephone interview on 12/12/03 that the examiner indicated that all the claims were allowable. However upon a further review, since all of the claims do not allude that the computer automatically performs the resending or sending due to the expiration of the user specified predetermined amount of time and allows for the interpretation that the user controls resending of the message or the sending of the message after the user feels enough time has passed without a response the cited claims below are rejected, objected, and allowed accordingly.

#### ***Allowable Subject Matter***

1. Claims 1-5, 28-31, and 36-38 are allowed.
2. Claims 7, 8, 12, 19, 20, 25-27, 33, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  1. The following is a statement of reasons for the indication of allowable subject matter: All of the cited allowable subject matter claims detail a method / computer system / computer readable medium for ensuring that an electronic message is delivered to and/or reviewed by intended recipient users by determining and selecting a delivery or review waiting period and automatically resending the electronic message to the delivery recipient user if the delivery notification is not received by the sender within the user-selected time or sending a second electronic message to the review recipient user if a review notification is not received by the sender within the user-selected time.

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This would allow the sender to keep track of electronic messages and ensure that they are delivered and reviewed by their intended recipients, as well as, allow the user to delegate a response time to particular recipients. The qualified prior art of record does not teach the user selecting a time period to determine how long a recipient has to respond to a message and automatically resending the message or sending another message when the notification of delivery or review has not been received. Therefore, the claims are allowable over the prior art of record.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6, 9-11, 15-18, 21-23, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over HENDERSON (US 6,185,603) in view of "Messaging's next blockbuster hit" by COX.

As to claim 6, HENDERSON teaches a method in a computer system for delivery of an electronic message (email), the method comprising: determining whether after sending of the electronic message to a recipient (user) a user-specified period of time (time between the initial sending of the message and resending message) has elapsed without receiving a reply for the electronic message from the recipient (via user ignoring email); and when it is determined that the user-specified period of time has elapsed

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without receiving the reply, resending the electronic message (col. 1, lines 27-45).

However, HENDERSON does not teach that the reply is a delivery notification.

COX teaches that sending mail systems request a read receipt or notification, a delivery receipt or notification, or both be sent back to confirm that a user has received a mail message (pg. 6, fifth paragraph). It would be obvious to one skilled in the art that based on the combination the email includes a request for a read receipt or a delivery receipt to be received. Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of HENDERSON with the teachings of COX in order to determine whether the recipient has actually opened or received the message (pg. 6).

As to claim 9, "Official Notice is taken in that it is well known in the art at the time of the invention, that the priority of an electronic message is capable of being transmitted and elevated and that the user designates such elevation.

As to claim 10 and 11, COX teaches requesting confirmation of the delivery to the recipient (pg. 6, fifth paragraph). It would be obvious that the recipient is queried in order to determine if the message is delivered.

As to claim 15, HENDERSON teaches a method in a computer system for delivery of an electronic message (email), the method comprising: determining whether after sending of the electronic message to a recipient (user) a user-specified period of

time (time between the initial sending of the message and resending message) has elapsed without receiving a reply for the electronic message from the recipient (via user ignoring email); and when it is determined that the user-specified period of time has elapsed without receiving the reply, sending another electronic message (resend message) (col. 1, lines 27-45). It is inherent that in order for a user to resend the message, the user would have to recompose a new electronic message with the same content or forward a copy message of the previous message hence another electronic message. However, HENDERSON does not teach that the reply is a delivery notification.

COX teaches that sending mail systems request a read receipt or notification, a delivery receipt or notification, or both be sent back to confirm that a user has received a mail message (pg. 6, fifth paragraph). It would be obvious to one skilled in the art that based on the combination the email includes a request for a read receipt or a delivery receipt to be received. Therefore, it would be obvious to one skilled in the art at the time of the invention to combine the teachings of HENDERSON with the teachings of COX in order to determine whether the recipient has actually opened or received the message (pg. 6).

As to claim 16, COX teaches requesting the confirmation (pg. 6, fifth paragraph).

As to claims 17 and 18, COX teaches sending mail systems can request a read receipt, a delivery notification, or both be sent back to confirm that a user has received a

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mail message (pg. 6, fifth paragraph). It would be inherent that in order to detect that a message is reviewed (read), one has to monitor the electronic message.

As to claim 21, refer to claim 9 for rejection.

As to claim 22, HENDERSON teaches the resending of another electronic message (col. 1, lines 27-45). It is inherent that since the message would contain the same message it is a reminder message. It is also inherent that in order for a user to resend the message, the user would have to recompose a new electronic message with the same content or forward a copy message of the previous message hence another electronic message.

As to claim 23, refer to claim 22 for rejection.

As to claims 32 and 34, reference is made to a computer readable medium that corresponds to the method of claims 15 and 22 and is therefore met by the rejection of claims 15 and 22 above.

5. Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over HENDERSON in view of COX as applied to claim 6 above, and further in view of "Netscape Navigator 6 in 1" by FULTON.

As to claim 14, HENDERSON teaches that email messages are sent from a sender to users and resending the messages. However, neither HENDERSON nor COX teach the cited functionality. FULTON teaches a mail system wherein electronic messages are received and forwarded to someone else (pg. 188). It would be obvious to one skilled in the art at the time of the invention to combine the teachings of HENDERSON with COX and FULTON in order to forward a received message to subsequent intended users.

As to claim 24, refer to claim 14 for rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

*See attached J*

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